ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action and previous interviews, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 2-59 and 61-76 remain in this application. Claims 1 and 60 have been canceled. New claims 77-82 are added without adding any new matter.

Claims 2, 20, 21, 26-29, 31, 32, 40, 47, and 69-76 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ritter (WO 99/35771) in view of Baba *et al.* (E.P. 791901 A2), and further in view of Ferguson et al. (U.S. 5,966,697). Claims 19 and 22-25 were rejected as above in further view of Baumann (U.S. 6,104,922). Claim 30 is rejected as for claim 69, in further view of Goldstein *et al.* (U.S. 5,410,326), claim 43 is rejected as for claim 69 in further view of Crosby et al. (U.S. 6,628,928) and claim 48 in further view of Yurino *et al.* (U.S. 6,810,386). For the following reasons, the rejections are respectfully traversed.

Applicant notes that a number of the claims recite the use of at least three entities, a provider server, a remote server, and a terminal. Furthermore, the method recites various information being provided by these entities to others of these entities. The cited references do not teach this scheme. For example, Ritter does not teach the remote server, provider server, and terminal according to claims 72 and 77. None of the additional cited references overcome this shortcoming of Ritter, and thus the claims are patentable over the references.

Furthermore, the Examiner has failed to make a prima facie case of obviousness (MPEP §2142). To support a prima facie case of obviousness, the Examiner must show that there is some *suggestion* or *motivation* to modify the reference (MPEP §2143.01), or the Examiner must provide some other logical argument as to why the invention would be obvious to one skilled in the art This requires that the Examiner ***ascertain the level of***

skill in the art, and then ***factually analyze*** why one skilled in the art, starting with the problem to be solved by the inventor, given the cited references, would have found it obvious to obtain the claimed invention. See *KSR Int'l Co. v. Teleflex,* 550 U.S.____ (2007) (first paragraph of page 2 of the published opinion, citing *Graham .v John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966).

Thus, to be "obvious", in addition to determining the scope and content of the prior art and the differences between the prior art and the claims, the Examiner must identify the *level of skill in the art* (see *KSR Int'l Co. v. Teleflex,* 550 U.S.____ (2007) (first paragraph of page 2 of the published opinion, citing *Graham .v John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966)), and then he must show *why* one skilled in the art would arrive at the claimed invention, given these findings and the skill generally available to one skilled in the art (see *KSR* at pages 20-21 of the published opinion). This, the Examiner has not done, and thus the Examiner has failed to support a prima facie case of obviousness. In fact, the discussion above supports the fact that such modifications suggested by the Examiner are not within the skill of the art. Accordingly, the rejections for obviousness cannot stand.

Accordingly, the rejections for obviousness are not supported by the Office action and should be withdrawn.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, a personal interview with the undersigned attorney and the Examiner is requested to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. P&TS 34359.

Respectfully submitted,
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